IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20232 of 2004

Between:

A. Jayaramaiah, S/o. A. Siddaiah, Hindu,
R/o. Veerampalli Village, Manubolumandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore.
2 The Mandal Revenue Officer, Manubolumandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of writ of mandamus by directing the respondents not to dispossess the petitioner from his landed property situated at Sy.No. 262/B and 262/A of Veerampalli Village, Manubolu Mandal, Nellore District without the procedure established by law.

Counsel for the Petitioner:MR.P.RAVI KIRAN

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

It is not in dispute that on issuance of the show cause notice by the respondents under Section 7 of the A.P. Land Eviction Act, the petitioner submitted his explanation on 18-08-2004. While the matter stood thus, the 2nd respondent-Mandal Revenue Officer had visited the petitioner's premises and threatened him to evict from the premises, without passing any final order on the said explanation. Moreover, the Mandal Revenue Officer has also not issued any notice to his father, who is also the joint owner of the property. On 12-10-2004, the petitioner's father made a representation to the 1st respondent-District Collector requesting him to take action against the 2nd respondent. Since no action has been taken, he filed W.P.No.19459 of 2004, for taking appropriate action against the 2nd respondent-Mandal Revenue Officer, and the same was disposed of through order, dated 19-10-2004. Now, the present writ petition is filed contending that without passing any final orders on the explanation submitted by the petitioner, he cannot be evicted from the premises in question.

Unless final orders are passed, pursuant to the explanation offered by the petitioner to the show cause notice, the petitioner cannot be dispossessed.

In view of the above, the respondents are directed to consider the explanation offered by the petitioner and pass appropriate order thereon in accordance with law. If any adverse order is passed, the same shall be communicated to the petitioner. However, it is needless to mention that only after expiry of the appeal period and subject to orders, if any, passed in appeal, the respondents can take possession of the premises in question duly following the prescribed procedure.

The writ petition is accordingly disposed of. No order as to costs.

04-11-2004

GJ

To

1 The District Collector, Nellore.
2 The Mandal Revenue Officer, Manubolumandal, Nellore District.

3 Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad.(OUT)

4 Two C.D. copies.